



February 20, 2009

SENATE BILL No. 245

DIGEST OF SB 245 (Updated February 17, 2009 4:41 pm - DI 106)

Citations Affected: IC 33-32; IC 34-30.

Synopsis: County clerk liability. Provides that a circuit court clerk is not personally liable for acts or omissions in the performance of the clerk's duties absent gross negligence or intentional disregard of the responsibilities of the office of clerk. Specifies that the fact that a clerk is not personally liable does not preclude an action against the clerk's bond based on an error or omission committed by the clerk.

Effective: July 1, 2009.

Lawson C, Steele

January 7, 2009, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.
February 19, 2009, amended, reported favorably — Do Pass.

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SB 245—LS 6649/DI 87+



February 20, 2009

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

SENATE BILL No. 245

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 33-32-2-9 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2009]: **Sec. 9. (a) A clerk is not personally liable for any act or**
4 **omission occurring in connection with the performance of the**
5 **clerk's official duties, unless the act or omission constitutes gross**
6 **negligence or an intentional disregard of the responsibilities of the**
7 **office of clerk.**
8 **(b) The fact that a clerk is not personally liable under subsection**
9 **(a) does not preclude an action against the clerk's bond based on an**
10 **error or omission committed by the clerk.**
11 SECTION 2. IC 34-30-2-144.2 IS ADDED TO THE INDIANA
12 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
13 [EFFECTIVE JULY 1, 2009]: **Sec. 144.2. IC 33-32-2-9 (Concerning**
14 **the personal liability of circuit court clerks).**

SB 245—LS 6649/DI 87+



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COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill No. 245, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 3, after "Sec. 9." insert "(a)".

Page 1, between lines 7 and 8, begin a new paragraph and insert:

"(b) The fact that a clerk is not personally liable under subsection (a) does not preclude an action against the clerk's bond based on an error or omission committed by the clerk."

and when so amended that said bill do pass.

(Reference is to SB 245 as introduced.)

STEELE, Chairperson

Committee Vote: Yeas 9, Nays 0.

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